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STATEMENT IN SUPPORT OF
Raised Bill No. 5497

Dear Speaker Donovan, Senator Green and Honorable Members of the Connecticut Domestic Violence Task Force:

We write in support of your efforts to strengthen Connecticut's Domestic Violence laws and appreciate how seriously you are considering the safety of victims in your state. These brief comments are offered to highlight the importance of the use of GPS electronic monitoring of high-risk domestic violence offenders in conjunction with a coordinated community response that focuses on victim safety and offender accountability. Only by securing all the cracks in the current system will a victim of domestic violence be safe and able to live free from the threat of future violence.

While the current Bill offers "electronic monitoring" of high-risk offenders, it does not require danger assessments in all domestic violence cases. My students and I, who develop legal policy on these matters, strongly urge you to add a requirement to provide for danger assessments in all domestic violence cases to identify potentially lethal cases. Moreover, when a case is identified as high-risk, the legislation should provide for GPS electronic monitoring using the best available technology. Incarceration must remain an option—and the GPS monitoring option should be regarded as a part of a graduated sanction. These measures will strengthen the criminal justice system response to domestic violence, and potentially prevent the case from escalating into a homicide.

In February 2009, Tiana Notice died from stab wounds inflicted by her ex-boyfriend, James Carter. Carter, who had a history of domestic violence against other women and had violated an existing order of protection by slashing Tiana's tires and contacting her several times, was subsequently charged in her murder. Tiana left behind loving parents and friends, and her dream of completing her Master's degree at the University of Hartford. Recently, on January 17, 2010 in West Haven, Selami Ozdemir returned home from jail for violation of an order of protection and shot and killed his wife, Shengyl Rasim. Ozdemir had a history of beating his wife and had previously been jailed for assault and violation of protective orders. The story is all too familiar.

On the other hand, on March 12, 2010, Aaron "Garth" Baecker, who had been indicted for attempting to murder his wife, cut off the ankle bracelet he was required to wear as a

condition of his bail. Law enforcement was able to immediately notify his wife and move her to a safe location, and the offender was located and apprehended shortly thereafter.¹ Baecker had been put on the GPS monitoring pursuant to the Cindy Bischof Act in Illinois. Cindy Bischof, a well loved real-estate broker, was killed by an ex-boyfriend who violated an order of protection.

Connecticut can join the states that are on the forefront in the fight to end domestic violence. Our Gender Violence Clinic has worked with several states to develop effective legislation to strengthen the criminal justice system response to intimate partner violence, and we appreciate the opportunity to work with Connecticut as well. In honor of Tiana Notice's memory, Shengyl Rasim's memory, and to prevent this tragic fate befalling yet another victim of domestic violence homicide, we urge the General Assembly to pass the strongest possible bill using GPS monitoring for domestic violence offenders.

Introduction

Approximately three women a day are killed in the US by their intimate partners.² Yet domestic violence homicide is the most predictable—and therefore preventable—type of homicide. Domestic violence escalates along predictable lines, and if the State does not intervene to the fullest extent of the law, the situation can become lethal.

But it does not have to be this way. Our study of domestic violence homicides indicates that the use of danger assessments to identify high-risk cases in combination with GPS electronic monitoring and other offender containment options can effectively stop the violence. Thus, we recommend the use of GPS electronic monitoring for batterers to ensure his compliance with the terms of the order of protection.

Global Positioning System (GPS) Monitoring

- Connecticut should enact legislation to provide for GPS electronic monitoring of batterers to give an order of protection meaning. Many orders of protection are violated, and batterers inflict retributive violence against their partners for trying to leave, or seeking help in the justice system. Violations of restraining orders are signs of increased danger and possible lethality to a battered woman!
- GPS monitoring is:
 - the use of global positioning satellite devices to track batterers for real-time notification of violations of orders of protection.
 - Done by law enforcement officials or private companies who monitor the offenders and notify the police and the victim immediately in case of a breach.¹
- GPS monitoring benefits are:
 - more protection for battered women – law enforcement will know the moment that a batterer has entered a prohibited zone and can intercept him *before* he is able to reach her.
 - this technology can provide safety for the battered partner so that she doesn't bear the burden of hiding out in a shelter—this will enable her to stay safely at home and go about her daily life without the fear of being re-assaulted.

¹ <http://www.pekintimes.com/news/x1664754876/Manhunt-ends-with-capture>

² (Bureau of Justice Statistics, <http://www.ojp.usdoj.gov/bjs/homicide/intimates.htm>) (2004).

- Requiring a batterer to wear a GPS monitor is tailored precisely to the crime of domestic violence. It is highly effective in these situations because we know who the intended victim is and where she is likely to be. Thus, his movements can be contained through the monitoring, while she receives actual protection from his future assaults.
- He may be able to avoid jail while still being held responsible for his violence.
- It costs less than incarceration; if the batterer keeps his job, he can be required to contribute to the cost of the monitoring. Costs are estimated to be about \$10 per day—certainly worth the price of safety to an endangered woman.
- Judges will be more willing to actually impose meaningful sanctions (like GPS monitoring) when it allows batterers to keep their jobs, contribute to child support, and avoid incarceration without endangering their victims.
- GPS monitoring provides an effective method of enforcing the terms of an order of protection by notifying law enforcement and the victim if the offender breaches a forbidden zone.
- GPS monitoring also provides law enforcement with immediate proof of violations, so that sanctions can be increased along with any escalation of danger.
- GPS monitoring will reveal stalking violations that were previously undetected, and that may reflect lethal danger to the victim.³

Best Available Technology

Every GPS surveillance system for domestic violence offenders should have a few uniform, key components in order to ensure that it is able to effectively save lives by providing quick, accurate information to the authorities and victims who need it most.

- A GPS surveillance system should include technology that automatically notifies the victim when the batterer has breached the woman's protected zone or has left his inclusion zone. This notification will allow the victim to seek an area of greater security and get children to safe areas.
- GPS surveillance should also enable state officers to respond immediately to any breach of a restraining order.
- The GPS device must be worn on a tamper-proof bracelet or ankle-bracelet to ensure that the batterer is tracked at all times. The GPS unit should immediately notify authorities if it has been tampered with or removed.
- Best available technology also includes the ability of the monitors to speak to the offender through a cell phone implanted in the bracelet device enabling the monitors to verbally apprehend the offender, as well as a loud alarm that can be activated to warn the potential victim of the offender's presence in a forbidden zone.⁴
- The inclusion zone should be drawn around the offender, allowing him to go between his place of residence, his employment, and other places in a circumscribed area. Containing the offender's movements restores freedom and liberty to the victim.

GPS Should be a Part of a Coordinated Community Response to Keep Victims Safe

³ See generally, David Adams, Why Do They Kill? Men Who Murder Their Intimate Partners (Vanderbilt University Press, 2007).

⁴ Two companies for example are Secure Alert (www.securealert.com) which monitors offenders with a unit that is worn on the ankle bracelet that includes a cell phone, a GPS, and an alarm, and isecuretrak (www.isecuretrak.com).

- Coordinated community response programs ensure that high risk cases are accurately identified, victims are provided with adequate protection and services, law enforcement personnel and judges are made aware of the danger posed by the individual, and adequate containment or surveillance methods are incorporated to keep victims safe.
- This approach utilizes the cooperation of police departments, district attorneys, probation officers, victim's advocacy groups, victim's services providers, batterer intervention programs and health care workers.
- **Lethality assessments (also called risk assessments or danger assessments)** are a vital part of a coordinated community response. Research by medical experts has identified a set of questions to identify when batterers present a high risk to their victims. Factors like threats of suicide, threats to murder the victim, and previous attempts to choke the victim are proven indicators that the victim may be in extreme danger.⁵
- When a court finds that a batterer poses a high lethality risk, as a condition of probation or parole, a defendant convicted of domestic violence is released with a Global Positioning System technology (GPS) monitoring device that ensures that the offender does not contact the victim, or violate the order of protection.

The Success of the Newburyport Massachusetts Model

- The Greater Newburyport High-Risk Case Management Team is proving that the criminal justice system CAN offer meaningful intervention in domestic violence cases. The Team is composed of law enforcement, probation officials, professionals in victims' services, batterers' intervention services, and health care workers. Each partner screens cases and helps in the development of an intervention plan to keep victims safe.
- The Newburyport system is currently being modeled in other communities in the state of Massachusetts, and the model has been presented to other groups on a state and national level.
- The Newburyport system has resulted in increased incarcerations of offenders before trial, which is often one of the most dangerous times for domestic violence victims. In addition, 3 cases were placed on GPS for pretrial monitoring while four more batterers were placed on GPS post release.
- In the team's first three years of operation, 91% of the team's 55 cases reported no re-assaults. **Of the offenders monitored by GPS, there have been no re-assaults—a 100% success rate!**

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- The Family Violence Intervention Units are not defined and parameters are not provided for the creation of such Units.
- The Family Violence Education Program is a promising initiative that we support.
- The part of the education program aimed at the offender should be specified to disallow "anger management" programs, which have been shown to be ineffective to address the power dynamics present in a domestic violence case. Far preferable are certified batterer's intervention programs that seek to disrupt the power and control cycle in the intimate partner relationship.

⁵ The work of Dr. Jacqueline Campbell from Johns Hopkins University has proven most effective. See, www.dangerassessments.com for more information.

- It is possible that such a Unit could be required to perform a domestic violence risk assessment. Risk assessments are absolutely necessary to protect victims from further harm, so must be specified in the Bill.
- The Bill requires that batterers monitored by GPS pay the costs of their monitoring—as stated, about \$10 a day. However, the requirement that the defendant be able to afford the cost in order for a judge to impose GPS monitoring is problematic. This means that GPS monitoring cannot be imposed when the defendant cannot afford the costs, even if a dangerousness assessment indicates that the case is potentially lethal. A better approach is one that requires defendants who have the ability to pay to do so and requires the state to pay when the defendant cannot afford it. This is extremely important not only because violent cases do not fall within clear economic categories, but also because many domestic violence victims struggle to recover from the cycle of violence, in part, because of economic dependence. Thus, a blanket rule that required offenders to pay the costs of monitoring and that lacked a waiver for defendants who could not afford the costs could negatively affect the victim's receipt of child support or maintenance. The Bill's language should clarify that GPS monitoring can be applied in all cases regardless of whether the defendants can afford to pay the costs, but that these costs should be waived in situations when the defendant cannot afford costs but the victim's safety may depend on GPS monitoring.

CONCLUSION

GPS monitoring should be used as part of a coordinated community response by teams that identify and respond to high-risk cases. When employed in this way, in combination with other graduated sanctions (such as the use of jails or detention facilities), these teams of people working together can save lives. Domestic violence homicide can be prevented. In honor of the precious and lost lives of Tiana Notice, Shengyl Rasim, Cindy Bischof, and so many other victims of domestic violence homicide each year, we urge the Connecticut Assembly to pass the strongest law possible to enable the criminal justice system to more effectively respond to and prevent domestic violence.

Respectfully submitted,

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